

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 19-4440 MV

NICHOLOUS PHILLIPS,

Defendant.

UNITED STATES' OBJECTION TO DEFENDANT'S PROPOSED VOIR DIRE

The United States of America hereby files one objection to Defendant's Proposed Voir Dire Questions. Doc. 79. Specifically, the United States objects to Defendant proposed question 2(c) that states: "When you hear the term 'War on Drugs' what do you think?"

The phrase "war on drugs" has historically been used in the political arena, when President Nixon first introduced it into our national discourse in the early 1970s. In modern times, this phrase is often used to criticize lengthy federal prison sentences for those convicted of drug crimes. This Court has already ruled that it "will not allow any direct or indirect references at trial to the sentence [Defendant] faces if convicted of the crimes charged." Doc. 62. Asking the jury about a politically loaded term is an indirect way for Defendant to reference the lengthy mandatory minimum prison sentence he faces, and serves only to inflame the passions of the jury. To the extent that Defendant uses this question to spark a larger discussion about drug penalties, the United States objects.

For these reasons, the United States objects to Defendant asking the jury question 2(c).

Respectfully submitted,

JOHN C. ANDERSON
United States Attorney

/s/

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I HEREBY CERTIFY that I filed the foregoing pleading electronically through the CM/ECF system which caused defense counsel, Joe Romero, to be served by electronic means, as reflected on the Notice of Electronic Filing as indicated therein on September 4, 2020.

/s/

Jaymie L. Roybal
Assistant United States Attorney